

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ANTHONY EDWARDS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 4:05CV177-P-D

COLDWELL BANKER REAL ESTATE CORP., ET AL.,

DEFENDANTS.

PARTIAL FINAL JUDGMENT

This matter comes before the court upon Defendant Coldwell Banker Real Estate Corp.'s Motion to Dismiss for Failure to Comply with Court's October 13, 2006 Order [258]. After due consideration of the motion the court finds as follows, to-wit:

Coldwell Banker filed the instant motion on October 12, 2007. The response deadline was October 29, 2007. Plaintiff Sandra Coleman, who is the subject of Coldwell Banker's motion to dismiss, has filed no response nor has she otherwise contacted the court for additional time to do so. Uniform Local Rule 7.2(c)(3) requires a party to notify the court if it intends not to respond to a motion. Uniform Local Rule 7.2(c)(2) allows the court to grant a motion to which no response was filed.

Nevertheless, the court concludes that the motion should be granted on its merits. In its October 13, 2006 Order, the court required Plaintiff Sandra Coleman to respond to Coldwell Banker's interrogatories by November 30, 2006. In their December 6, 2006 Notice of Completion, the plaintiffs certified that they had completed the subject discovery "except that with respect to the plaintiff Sandra Coleman, no responses have been filed." As of this date, almost one year after the deadline of November 30, 2006 to respond to the subject discovery, Plaintiff Sandra Coleman has not complied with this court's Order.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Coldwell Banker Real Estate Corp.'s Motion to Dismiss for Failure to Comply with Court's October 13, 2006 Order [258] is **GRANTED**; therefore,

(2) Pursuant to Federal Rule of Civil Procedure 41(b), the court concludes that Plaintiff Sandra Coleman's claims against Coldwell Banker are **DISMISSED WITH PREJUDICE** for failure to comply with this court's October 13, 2006 Order requiring Coleman to respond to Coldwell Banker's discovery requests by November 30, 2006; AND

(3) Plaintiff Sandra Coleman's claims against the other defendants remain.

SO ORDERED this the 6th day of November, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE